

Claim 14 recites “approximately the same”, which is ambiguous because the limitation provides no direction to the degree. The term “approximately the same” is indefinite as the specification does not provide a definition to the metes and bounds of the phrase. In order to  
5 determine infringement of the present claims, one necessarily would need to determine with a reasonable degree of certainty the scope of the phrase “approximately the same”.

Claim 14 has been amended to more clearly define the scope and limitations of the selected adhesive in that the temperature range claimed is in the range from 90 degrees C to 120  
10 degrees C.

Claims 11 and 15 recite “string-like shape” which is indefinite. The phrase “string-like” renders the claim(s) indefinite because the claims include elements not actually disclosed (those encompassed by “type”). Thereby rendering the scope of the claims unascertainable.  
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Claims 11 and 15 have been canceled.

In response to claims 1-4 and 7 are rejected citing 35 U.S.C. §102(b) as being anticipated by Harper (U.S. Patent Num. 5,759,928). Harper discloses a pavement marking material  
20 comprising a flexible base sheet that is conformable to a substrate surface and a discontinuous wear resistant polymeric layer adhered to one surface of the base sheet comprising a different polymeric material than that of the base sheet. Harper places the **marking material on the top surface of the flexible base sheet** which is adhered to the pavement surface to form various patterns thereby making the flexible base sheet essentially  
25 parallel to the subsequent top marking material.

The present application discloses a pavement marking pattern comprising a first independent section and a second independent section that fits into a space in the first independent section thereby forming a desired pattern. The present application comprises sections wherein the  
30 edges of the first section(s) and second section(s) make contact forming an intersection, fitting each section adjacent to another section thereby forming a single coplanar pavement marking pattern. Specifically for the present disclosure, a **second section(s) inserted within the first section(s)** and an adhesive is applied, preferably sprayed in a circular or spiral configuration such that the adhesive forms at the intersecting edges of the coplanar first and

second sections thereby binding them together and forming a singular coplanar pavement marking pattern.

5 Based on the foregoing distinctions, the coplanar pavement marking pattern of the present application where a second section is inserted within a space in the first section is distinctly different from Harper who discloses a multiplanar pavement marking material laid essentially parallel to and adhered on top of a flexible base sheet.

10 Additionally, dependent claims 2 has been canceled, and claim 7 has been duly amended and the claims in amended form now specifically and distinctly point out unique features of the present application.

15 In response to claims 5-7 being rejected citing 35 U.S.C. §103(a) as being unpatentable over Harper (U.S. Patent Num. 5,759,928) in view of Buccellato (U.S. Patent Num. 6,861,141), wherein Buccellato discloses an adhesive composition of PSA polymers such as acrylic in a dot or stripe pattern and sprayable types inclusive of thermosetting and thermoplastic and sprayable for adhering pavement markings to a pavement substrate wherein the bottom of a pavement marking design is adhered to the top of a thermoplastic pavement marking sheet; neither Harper nor Buccellato specifies or claims the use of pressure sensitive adhesives  
20 (PSA's) for connecting the edges of an intersection of a first section(s) or second section(s). Additionally the second section is placed within a space provided by a first section, thereby forming a coplanar pavement marking pattern as claimed in the present application.

25 Based on the foregoing distinction presented between the present application and the cited prior art of Harper, claim 7 has been duly amended so that the cited prior art is not obvious and the claims in amended form now specifically and distinctly point out unique features of the present application.

30 In response to claims 8-15 and 17 being rejected citing 35 U.S.C. §103(a) as being unpatentable over Harper (U.S. Patent Num. 5,759,928) in view of Buccellato et. al. (U.S. Patent Num. 6,861,141), wherein Harper teaches all the limitations of claims 8 and 13 to a pavement marking (Figs. 2 & 3) and associated text except for a spray(ed) adhesive.

The present application discloses a pavement marking pattern comprising a first section that provides a space for a second section whereby the second section is placed within the space provided by the first section, thereby forming a coplanar surface whereby the edges of the first section form a bonded intersection with the second section using an adhesive that is applied to the intersection(s). Therefore a singular coplanar pavement marking pattern is formed.

Harper discloses a pavement marking that is multiplanar wherein the pavement marking is laid on top of a flexible base sheet and, although no mention is made of the adhesive type, there is adhesion to the top pavement marking at the top surface of the flexible base sheet. Buccellato specifies or claims the use of pressure sensitive adhesives (PSA's) for adhering pavement markings to the top surface of a pavement substrate and/or additional pavement markings to the top surface of the pavement marking adhered to the pavement substrate. However, neither Harper nor Buccellato disclose the use of a thermoplastic adhesive to adhere the intersections of a second section inserted within a first section of a pavement marking pattern as claimed in the present application.

Claims 8-11, 13, 15 and 17 have been canceled and claims 12 and 14 have been duly amended to clearly disclose the unique and novel features over the cited prior art.

In response to claim 16 as being rejected citing 35 U.S.C. §103(a) as being unpatentable over Harper (U.S. Patent Num. 5,759,928) in view of Buccellato (U.S. Patent Num. 6,861,141) and further in view of Wiley (U.S. Patent Num. 7,066,680) wherein Wiley teaches inlaid patterns in asphalt or thermoplastic grids (two) to impress corporate logos or decorative designs in pavements. Wiley's inlaid pattern in an asphalt surface comprises providing a first template having a predetermined pattern; impressing the first pattern into a pliable asphalt surface to form an impression; removing the first template from the asphalt surface; providing a second template; inserting the second template at least partially in the impression of the first grid and fixing the impression to form an inlaid pattern. Wiley teaches an inlaid pattern that, once formed, is permanent in that it may not be moved as a unitary pavement marking from the position in which it is formed in the asphalt surface.

The present application discloses a pavement marking pattern comprising a first section that comprises a space for a second section whereby the second section is placed within the space

created in the first section forming a coplanar surface whereby the edges of the first section form an intersection with the second section allowing for an adhesive to be applied to the intersection(s) thereby forming a singular coplanar pavement marking pattern. This pattern is moveable as a unitary pavement marking pattern which allows for correction with regard to placement or replacement upon a pavement surface.

In summary, Harper individually, Harper in view of Buccellato or Harper in view of Buccellato and Wiley all describe inventions that are distinctly different from the present application in that the present application includes a first section and a second section wherein inserting the second section(s) within a space created by the first section(s) creates an intersection wherein adhering the intersection(s) with an adhesive forms a coplanar pavement marking pattern that may be moved (upon improper initial or subsequent application) as a unitary pavement marking pattern.

Claim 16 has been duly amended to more clearly claim the inventive features of the present application.

Neither Harper individually, Harper in view of Buccellato or Harper in view of Buccellato and Wiley nor any combination of the three cited references indicate obviousness in view of **amended** claims 1-17 now presented herewith. Additionally the claims have been amended to provide the proper form and content.

In addition, Figure 4 has been canceled and replaced by a sectional view entitled Figure 4 which more clearly details the specific nature of the present application. All of the original initially filed reference characters of Figure 4 are used to identify the same features on the replacement Figure 4. The Brief Description of the Drawings and Detailed Description of the Preferred Embodiments and Operation of the Invention sections of the specification describe replacement Figure 4 in its entirety and have not been amended in any manner. No new matter has been added. An Annotated Sheet showing the original Figure 4 and the replacement Figure 4 and a Replacement Sheet showing the replacement Figure 4 are included with this Office Action Response and applicant requests that the replacement Figure 4 be included for consideration of the present application.

The applicant respectfully states that the application has now been placed in condition for allowance and as such requests that the examiner move this case forward and issue such notice.

**5    Claims listing**

Claim 1 (Currently amended)

Claim 2 (Canceled)

Claims 3-6 (Original)

Claim 7 (Currently amended)

**10    Claims 8-11 (Canceled)**

Claim 12 (Currently amended)

Claim 13 (Canceled)

Claim 14 (Currently amended)

Claim 15 (Canceled)

**15    Claim 16 (Currently amended)**

Claim 17 (Canceled)